

Charles Hayward
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THOUGHTS

ON AN

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UNION.

BY

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HAVING a few Weeks ago, through
the kindness of a friend, received
a copy of the new edition of the
Treatise on the Nature and
Extent of the Human Mind, by
Locke, I have been much
pleased to find, that the
author has not only retained
the substance of his former
work, but has also added
many new observations, which
will be found very useful and
interesting to all who are
concerned in the study of
human nature.

THOUGHTS, &c.

HAVING a few Weeks ago, through the medium of the Hibernian Journal, suggested such general observations as had occurred to me, tending to shew the Impolicy of an Union between this Country and England, and it having been since pretty generally understood, either that the measure had never been entertained, or was abandoned on the other side of the Water; I had nearly dismissed the subject from my consideration; but the Re-

port of an Union again assailing our ears, with increased Force and Authority, I cannot refrain from obtruding myself anew upon the Public, not from a vain imagination that I can produce any thing worthy of their attention, upon the subject, but from a desire to provoke in others of greater Capacity, the Consideration and Discussion of a question the most interesting and important that ever offered itself to the deliberation of any Kingdom, and which involves nothing less than the present welfare and future destinies of our native Country. And in the first place, the following questions naturally occur; what may be the cause why this Country, which while inconsiderable in point of Population, Agriculture, and Commerce, hath had a distinct and separate Legislature, should now
with

with a Population of five millions of Inhabitants, with a most flourishing agriculture, with a greatly extended, and still extending Commerce, resign its legislation into the hands of another Country? Why that measure, which whilst Ireland groaned under the restrictions on her Commerce, would have been rejected by her best and wisest Statesmen, should be resorted to at this time, when there is no permanent impediment to the career of her Prosperity? If it be answered that the present disturbed situation of this Country renders a measure, heretofore ineligible, expedient and desirable at present, besides observing that the temporary and accidental situation of the Country, can be no ground for adopting a measure of such magnitude, and novelty, and irrevocable in its nature; I further answer that I can see no connection be-

tween the evils which we deplore, and the remedy proposed: neither can I perceive how the condition of this Country in point of internal tranquillity, would be influenced by an Union of the two Legislatures. Ireland having obtained that Commercial Liberty for which an Union was formerly considered to be the Price, and possessing an independant Legislature hath nothing to hope from an Union with England, which could not heal our religious Differences, nor extinguish the causes, if any such exist, of well founded discontent in any Particular, it would indeed absorb the question of Parliamentary Reform, and together with it, the independence, the importance, and the dignity of the Country for ever. Indeed it is truly and candidly admitted by De Lolme, himself an Advocate for the Union,

Union, in his Strictures on the State of Ireland, “ that the removal of those im-politic commercial restrictions, and disabilities which were formerly laid upon Ireland, and its consequent extension of Trade, has entirely changed the state of the question, with regard to the expedience of an Union between Great Britain and Ireland ; consequently the greatest part of the arguments used in support of it, previous to that æra, as they tended to prove the advantageous effects to Ireland of such an enlargement of Trade assumed as a circumstance necessarily connected with, and resulting from the Union, *are now inapplicable* ; as on the other hand, the objections of those who feared the pernicious consequences to Great Britain, of allowing such unlimited Commercial Privileges to the Irish

as this Union would create, are equally done away. The emancipation of the Commerce of Ireland, has proved experimentally to the Advocates for the question that many of those advantages which they described, can exist independent of an Union; and to its opposers that the disadvantages apprehended from it to the Trade of England, have been in a great measure imaginary." (a).

As to the effect of an Union in bringing English Capital into this Country, I observe that Irish industry and enterprise encouraged, have produced, and will still continue to produce and augment Capital, and that English Capital, which is by no means indispensable, will be attracted only by the assured tranquillity of

(a) Strictures on Ireland. Page 86.

of the Country, to which an Union doth in no wise conduce, but whose immediate consequence would be to increase the number of Absentees, already the bane of this Country, and in great part the cause of its occasionally disturbed repose. For that, an Union would produce a great addition to the number of Absentees, cannot be doubted by the most sceptical, and it is remarkable that the argument is used by the celebrated Dean Tucker, to induce England to an Union, for in his Proposal for incorporating the British Isles into one Kingdom, printed in 1750, he observes that, "the inducements of being near the Parliament, the Court, the public Funds, would bring many more Irish families to reside and spend their fortunes here, than now do. In short, whatever wealth Ireland would draw

draw from other Countries by its produce, manufactures, and happy situation, all that would continually centre in England." He further adds, That the increase of wealth to Ireland in consequence of an Union would enable her to ease England of the burthen of the worst and heaviest of her Taxes."*

Though I have no inclination to make the experiment, yet I cannot blame the Dean of Gloucester for his advice, he was a man of most respectable character, and eminent for his political sagacity and commercial knowledge; but he was an English Patriot, whose duty it was to prefer and promote the interest of his own Country, and perhaps, like another great man,
Mr.

* *Strictures on Ireland*, Page 93:—The Reader will bear in mind that Dean Tucker wrote this long before we had obtained a free Trade.

Mr. Gibbon, he considered Ireland as a *remote and petty Province*. By a perusal of the writers in the sister country upon the subject from Sir Matthew Decker to De Lolme, the curious reader will easily satisfy himself that all the arguments in favour of the measure, centre in the convenience and alleviation of publick burthen to England. The situation of Scotland, which is said to have flourished since her Union with England, is fondly quoted by the Advocates for that measure; but in order to draw any solid argument from the case of Scotland, it must be shewn that our situation is the same with that of Scotland at the time of her Union, and it must be still further shewn, not only that Scotland hath flourished since her Union with England, but that it was in consequence of that Union that she hath so flourish-

ed. The fact is, that the greater part of the Nations of Europe have flourished since the period of the Scottish Union; from that time unto the present, there hath been a gradual improvement of all those arts and sciences which conduce to the prosperity of States. That England should have ardently desired the Union with Scotland, almost upon any terms, is not to be wondered at, since Scotland not having been prevailed upon to acknowledge the succession in the House of Hanover, upon the demise of Queen Anne, who left no issue, there would be a dissolution of the only point of connection between the two kingdoms, namely, the Union of the two Crowns upon the same head, in which case the security of England must be essentially endangered, inasmuch as she would thereby cease to have the advantage and protection of an insular situation,

situation, and Scotland would be the landing place and rallying point of the Pretender and the French forces, and so sensible was England of her danger in this respect, and so anxious to prevail upon Scotland to declare for the succession in the House of Hanover, that in the session of Parliament which opened in November, 1705,* a Bill was brought into the English House of Lords, empowering the Queen to name commissioners to treat of a full Union of both kingdoms as soon as the Parliament of Scotland should pass an act to the same purpose; but if no such Union should be agreed on, or if the same succession to the Crown with that of England should not be enacted by a day prefixed, then it was enacted that after that day no Scotchman who was not resident in England or Ireland, or employed in the Queen's service by sea or land, should be esteemed a natural

* Burnet's History of his Own Times.

ral born subject of England: they added to this a prohibition of an importation of Scotch Cattle and of the manufacture of Scotland: this bill was rejected by the House of Commons on account of the money penalties which were contained in several clauses, but a new bill was brought into the House of Commons to the same effect which passed: and when the Duke of Argyle was sent down Commissioner to the Parliament of Scotland, which had met in the summer of the same year, his instructions were in the disjunctive, that he should endeavour to procure either an act for settling the succession, as it was in England, or that he should set on foot a treaty for the Union of the two kingdoms: from which it is manifest that the great object of England was that, there should be some solid ground of permanent connection between the two countries, which the Ministry of England conceived might be alike effected,

either

either by an act of the Scotch Parliament setting the succession, or by an incorporating Union. At length in the year 1707. after a period of nine months which had elapsed from the commencement of the negotiation, this infinitely important measure of an Union to England, was finally compleated. It had met with great opposition in the Parliament of Scotland, where every step that was made, and every vote that was carried was with the same strength, and met with the same opposition; both parties giving strict attendance during the whole session, which lasted for three months; Bishop Burnet the cotemporary Historian, and who took a great interest in this memorable transaction, after mentioning the attempt which had been made at Edinburgh to murder the Lord Provost who had been one of the Commissioners, and had concurred heartily in the design, makes use of these remarkable expressions. *No other violent attempt was made after this, but the body of the people*

people shewed so much sullenness, that probably, had any person of authority once kindled the fire, they seemed to be of such combustible matter, that the Union might have cast the Nation into great Convulsions. The necessary precautions however had been taken; for orders were given both to England and Ireland to have troops ready upon call; and if it were necessary more troops should be ordered from Flanders. The same historian observes that it was the unfortunate commercial speculation on Darien in South America, the great charge it had put the nation to, and the total miscarriage of that project, which made the trading part of that kingdom see the impossibility of carrying on any great design in trade, and made them the more readily concur in carrying on the Union. The wiser part of the nation hoped that an union would prove the means of correcting among other grievances, the abuses in the administration of justice

justice in their country, where judges who were named by the ministry, were in such a dependence, that since there are no juries allowed in Scotland in civil cases, the whole property of the kingdom was in their hands, and by their means in the hands of the Ministers: that the prospect of a free trade not only with England but with her plantations, and the protection of the fleet of England reconciled them to the measure: but six years had not elapsed from the conclusion of the treaty of Union, when at a meeting of the Scotch Members of both houses of the United Parliament, in consequence of a bill passed through the House of Commons, directly violating that article of the Union, by which it was stipulated that, no duty should be laid on the malt in Scotland during the war, it was agreed to move for an act dissolving the Union; and accordingly the motion was made in the upper House of Parliament,

and

and most of the Lords of that nation spoke to it. They set forth all the hardships under which they laboured since the Union, that they had no more a Council in Scotland, that their laws were altered in matters of the highest importance, and that now an imposition was about to be laid upon their malt, which must prove an intolerable burthen to the poor of that country, and deprive them of the use of any other liquor than water : upon all these reasons they moved for liberty to bring in a bill to dissolve the Union, in which they would give full security for maintaining the Queen's prerogative, and for securing the protestant succession : this motion was of course warmly opposed by the Ministry, and rejected ; and when the malt tax was brought to the lords, great opposition was made to it on account of its being so manifestly inequitable,

quitable, but it passed in the *United Lords*. Now not one of the already enumerated causes and motives which induced the Scottish Union, can be applied to the present situation and circumstances of this country. For in the first place the succession to the crown of Ireland is settled, and the permanent connection between the two kingdoms is secured by the statute of Henry the Eighth in this kingdom, which declares the Union of the crowns to be indissoluble, and if the case of a regency has been overlooked by the statute, there can be no objection to the bringing a bill into our Parliament, for the purpose of declaring the regent of England for the time being, to be ipso facto regent of Ireland.

As to another cause which engaged the Scotch to be reconciled to the measure of

an Union; viz. the partial and oppressive conduct of judges intirely dependent on the crown; it is to be observed that the independence of our judges is now secured by Act of Parliament: and here it is that with pride and triumph we may congratulate our country, upon the state of the higher tribunals in this kingdom: I will venture to assert without hazard of contradiction from any one conversant with the subject, that in no age of any country did the stream of justice ever flow from more abundant, or purer sources: The appointment of such persons as fill the Benches of our superior Courts, of characters eminent for their integrity and legal knowledge, is in itself a great *Reform*, and will conduce in no small degree to the edification of the people at large. As to the other causes which prevailed upon the Scotch to surrender their independence, namely,

namely, the low and depressed state of their commerce, and the impoverished condition of their country, &c. It is only necessary to travel through this country in day light to perceive by what rapid strides she has advanced, in her commercial career, more especially since the year 1782, that is, since the epoch of her commercial and constitutional emancipation. We may every where read in large characters the ameliorated state of the public fortune, in the improved condition of our lands, in the increased number of buildings, both public and private throughout our towns, in the multiplication of elegant equipages, furniture, &c. and in the general appearance of superior ease and comfort diffused throughout the lower orders of the community, and such is the stamina of the public prosperity, that, like that of England, it has increased dur-

ing the war, so that upon a subject so obvious, I shall content myself with mentioning a single instance: about twenty years ago and before that time, we imported corn for our own consumption, to the amount of three hundred thousand pounds sterling, annually, and we have latterly exported to the amount of one million annually sterling. Ireland is now in possession of that free trade for which an Union was formerly to be the compensation to England, and of that trade to her plantations which Scotland sought through the medium of an Union, she already enjoys the protection of those fleets which are in great part manned by Irish sailors, and she contributes, though indirectly, to the support of those wars in which she is engaged through her connection with England, and chearfully engaged, from her sense

sense of the inestimable advantages attendant on that connection: But in truth there is no room for a parallel in point of situation between this kingdom, and a country rich indeed in the industry and ingenuity of her inhabitants, but of ungrateful soil for the most part, and not separated from England by a greater feature than that which separates parts of the same kingdom. It is true that an open arrayed Rebellion has raged in, and desolated parts of this kingdom, and disgraced the whole, but that Rebellion has been subdued, and a fine occasion is now presented to a skilful Legislature to repose the tranquility and harmony of the country upon solid and lasting foundations. Our Parliament may have committed errors, but there is a fund of good sense and good temper in the country to correct them. Our Executive Govern-
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ment may have at times been ill advised, but there is a rational and unbounded confidence in the integrity and purity of motive of our illustrious Chief Governor. To the Yeomanry of the City of Dublin is the salvation of Dublin, and all its living consequences to be ascribed ; and indeed to the Yeomanry of the country at large, and to that high spirit and sustained energy which a sense of national dignity and importance is so calculated to inspire, is the country principally indebted for its safety. Far be it from me however, to depreciate the signal and decisive services of his Majesty's regular forces ; to the zeal and intelligence of the officers, to the alacrity, the courage, and persevering patience of the men, every praise is due, nor can the nation sufficiently express its gratitude to the gallant English militia, who in the generosity of their devotion to
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the general cause of the Empire, forgot the cold statute which limits their service to their own island, and resolved that the enlarged sphere of public duty was their native country. But supposing for a moment, that an Union were as advantageous to this country, as it appears to me to be pernicious, and even dangerous to the connection between the two countries, and admitting and respecting as I do the transcendancy, but not the omnipotence of the powers of Parliament, I cannot help more than doubting their competency to such a measure, without the directly expressed approbation of the people. If able and well-informed men have balanced with respect to the Octennial Bill in England, if they have hesitated as to the power of Parliament to extend its duration even for a few years, what must be thought of a Parliamentary

mentary measure abolishing the Parliament itself, and transferring to another kingdom the right of legislating for this country.— It is surely the duty of a Member of Parliament to watch over and maintain the interests of his Constituents, and those of the country at large, and how can he insure the fulfillment of this duty if he substitute another Parliament in the room of that chosen by the People? or what right can he have to delegate a power which was only delegated to himself, or to transfer a confidence which is personal between him and his Constituents. If even concerning the ordinary business of the country, it hath been the opinion of the most respectable Members of Parliament in both countries, that the instructions of their Constituents, if not mandatory upon their conduct, were yet entitled to the greatest respect; what must

must be the case with respect to the paramount measure of a fundamental change in the Constitution of the country. It may be remembered that during a debate which occurred some years ago in our Parliament, on a bill for preventing Revenue Officers from voting at Elections for Members of Parliament, it was contended on the part of Administration, and successfully contended, that Parliament had no right to disfranchise men not convicted of any crime. If it was then conceived that Parliament, even for the sake of maintaining its own purity and independence, could not despoil of their franchise a comparatively small number of men, notwithstanding the precedent of an English Act of Parliament, it surely will not be contended that Parliament can be empowered to do an act, which will render the franchises of the entire kingdom a mere nullity. The great security for the faith-

ful discharge of Parliamentary duty has been considered to be the limited duration of Parliament, whereby after the expiration of a definite period, the Representative returns into the mass of the community, and a new choice is given to the Constituent; but this wise precaution of our Constitution would be vain and ineffectual in the event of an Union, when the handful of Irish Senators would be merged in the multitude of English Legislators. The effect of public opinion and censure, those powerful regulators and controuls of human conduct, must be null in the case of an United Parliament, which would be placed beyond the sphere of the operation of the sentiments of this Country.

If, therefore, it be determined by the English Cabinet, to bring forward the
measure

measure of an Union, let the Irish Parliament be dissolved, and a new Parliament be returned, bringing with it the sentiments of the country upon the subject; or let the Freeholders be convened in their respective counties and let the sense of the nation be declared upon a National Question of such magnitude and importance: To this proposal it may be answered, that the situation of this country at present will not admit of that agitation which must necessarily attend a general election and numerous assemblies of the people; and can it then be affirmed that that state and temper of mind of the country, which cannot bear the exercise of the established and acknowledged franchise and privileges of the people, is precisely adapted to the Parliamentary discussion of a ques-

tion which would at any time be attended with extraordinary agitation and ferment.

The cessation of courts martial should be the signal for every well informed mind to rouse from its lethargy, and to unfold those powers of the understanding which had collapsed during the continuance of the Rebellion, and upon no subject more interesting to his country can the enlightened Irishman employ his attention than upon that of an Union, which if it be a good measure for Ireland, it is only by examination and discussion that its advantages can be developed and illustrated; and if it be a bad measure it is only by the same touchstones that

that its injurious consequences will be detected and exposed.

It was to protect and maintain the *present Constitution* of Ireland that the astonishing spectacle of the Irish Yeomanry was displayed, it was to support the King, Lords, and Commons of *Ireland*, that men whose pursuits and habits were the most abhorrent from the profession of arms, became almost on a sudden expert in military evolution and manœuvre, that persons bred in all the ease and softness of affluent fortune, voluntarily adopted the labours, the fatigues, and the privations of the military life during a state of War, that confirmed habits of long protracted conviviality, were in a moment dissolved and sacrificed to the imperious circumstances of the country: nor
can

can it with any appearance of truth be affirmed that it was the consoling prospect of an Union which sustained and refreshed the occasionally drooping spirits of the Irish Yeoman.

The more important and complicated the concerns of a country, (and they become so in proportion as it advances in prosperity) the greater the necessity for a Legislature intirely and exclusively occupied with the affairs of that country; and, I doubt whether a consolidated Legislature sitting in another country, could have possessed the means of a timely discovery of the late Rebellion, which was alone the cause of its not overturning the Government of this kingdom. If, as hath been asserted, the manners of the lower orders in the greater part of this kingdom
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are semi-barbarous—is the Legislature of another Country (for such it would virtually be, notwithstanding the infusion of a few members from this country) unacquainted with the manners and habits of this, and with the changes which may occasionally take place in both, or the Irish Parliament sitting in the capital of the country, the best qualified to adopt measures to reclaim them.

It hath been observed by Mr. Gibbon when contrasting the political condition of the ancient Roman Empire with that of Modern Europe, that “the Chances
“of Royal and Ministerial talents are
“now multiplied with the number of its
“rulers;” in like manner it may be said that, the chances of political wisdom are now multiplied with the plurality of legislatures,

legislatures, and indeed our system of Corn Laws, our Registry Act, and other acts which might be cited, reflect honour on the Irish Legislation.

If there were any thing in the physical situation, or in the permanent and immutable moral relations and circumstances of the two countries, (for none other can be a ground for an *irrevocable* measure) which required an incorporating Union; it should have been atchieved at an earlier period of our history, for the habits of nations like those of individuals become confirmed and inveterate by length of time, and it is not at this period of her political existence, nor in this stage of her agricultural and commercial prosperity, that Ireland should be required to fall back and sink into the situation of a province. If
it

it be a maxim that political innovations are dangerous, is the force of that maxim lessened on account of the magnitude and importance of the measure, or because that when once carried into execution it will not be in our power to retract it. Would it be wise in the present situation and circumstances of this country to superadd another cause of agitation to those already in existence? or will the propagation of French Principles amongst the lower orders, be more effectually prevented by a measure whose necessary consequence must be political apathy amongst the higher classes of society? whilst France with fervid hand is planting democracies all around her, shall we lend our assistance by removing from this country the *visible signs* of the English Constitution? But I will yet hope, that no such measure is really

in contemplation; I will hope that the Minister of England is persuaded, as every man of common sense in this country must be, that let the merits of the question of an Union abstractedly considered be what they may, the present situation of this country is most improper and unfit for their parliamentary discussion. And at a time when nothing less than an extraordinary Coalition of all the Powers of Europe is thought necessary to oppose the Colossal Power and gigantic Progress of the French; when we have been just told by a Minister * in the English House of Lords, that notwithstanding the Prodigies of her Naval Achievements, England herself cannot be safe, unless France shall be effectually resisted by land; can this,

I say,

* Lord Grenville.

I say, be the season for making experiments upon the honourable Pride, the temper and the feelings of an Independent Nation? If, however, in defiance of the obvious dictates of prudence and sound policy, the question of an Union shall be officially brought forward, I trust with confidence that both Nations will concur in the rejection of a Measure, the consequence of which to Ireland would be the loss of national honour, dignity and importance, and the increase of publick burthens and Absentees; and to England the further deterioration of her own Parliament by the incorporation of ours.

F I N I S.

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